

1 MARGARET R. PRINZING, State Bar No. 209482
2 ROBIN B. JOHANSEN, State Bar No. 79084
3 OMAR EL-QUULAQ, State Bar No. 324729
4 OLSON REMCHO, LLP
5 1901 Harrison Street, Suite 1550
6 Oakland, CA 94612
7 Phone: (510) 346-6200
8 Fax: (510) 574-7061
9 Email: mprinzing@olsonremcho.com
Email: rjohansen@olsonremcho.com
Email: oelqoulaq@olsonremcho.com

10

11 Attorneys for Defendants
12 County of Alameda, County of Contra Costa,
13 County of Fresno, County of Kings, County of
14 Merced, County of Plumas, County of Riverside,
15 County of San Bernardino, County of San Joaquin,
16 County of Stanislaus, and County of Tulare

17

18

19

20

21

22

23

24

25

26

27

28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

BNSF RAILWAY COMPANY,

14 Plaintiff,

15 vs.

16 ALAMEDA COUNTY, CALIFORNIA, et al.,

17 Defendants.

Case No. 4:19-cv-07230-HSG

**STIPULATION AND ORDER
SETTING SCHEDULE FOR
PRELIMINARY INJUNCTION
BRIEFING**

Judge: Hon. Haywood S. Gilliam, Jr.

STIPULATION

2 WHEREAS, Plaintiff BNSF Railway Company (“BNSF”) filed a Motion for
3 Preliminary Injunction on December 20, 2019, noticed for hearing on March 5, 2020 at 2:00 p.m.;

WHEREAS, given that eleven of the fifteen Defendant counties¹ have recently retained OLSON REMCHO, LLP to serve as lead counsel in this matter, and given that OLSON REMCHO, LLP was retained by these individual counties between the dates of January 22 and January 28, 2020, the parties have agreed to extend the briefing schedule to provide new counsel with one additional week to prepare an opposition brief, as described below;

9 WHEREAS three additional counties² expect to retain OLSON REMCHO, LLP in
10 the near future;

WHEREAS, the current deadline for Defendants to respond to Plaintiff BNSF's Motion for Preliminary Injunction is February 3, 2020, and the current deadline for Plaintiff BNSF to file a reply in support of its Motion for Preliminary Injunction is February 20, 2020;

WHEREAS, the parties agree that the deadline for Defendants to file their
Opposition(s) to Plaintiff BNSF's Motion for Preliminary Injunction should be extended to and
include February 10, 2020;

17 WHEREAS, this requested time modification would not have an effect on the
18 schedule of the case, other than to extend the deadline by one week for Defendants to file their
19 Opposition(s) to Plaintiff BNSF's Motion for Preliminary Injunction.

20 NOW THEREFORE, IT IS STIPULATED AND AGREED, by and between
21 Plaintiff and Defendants, and subject to approval of the Court, that:

22 (1) Defendants shall file their Opposition(s) to Plaintiff BNSF's Motion for
23 Preliminary Injunction on or before February 10, 2020;

24 (2) Plaintiff BNSF shall file its Reply in support of its Motion for Preliminary
25 Injunction on or before February 20, 2020;

²⁷ Those eleven counties are: Alameda, Contra Costa, Fresno, Kings, Merced, Plumas, Riverside, San Bernardino, San Joaquin, Stanislaus, and Tulare.

²⁸ Those three counties are: Kern, Madera, and Orange.

(3) A hearing on Plaintiff BNSF's Motion for Preliminary Injunction will be held on March 5, 2020 at 2:00 p.m.;

Pursuant to Local Civil Rule 6-2(a)(2), the parties disclose that they previously agreed, and this Court ordered, (1) that the deadline for Defendants to file their Opposition to Plaintiff BNSF's Motion for Preliminary Injunction should be extended to February 3, 2020 and the deadline for Plaintiff BNSF to file its Reply in support of its Motion for Preliminary Injunction should be extended to February 20, 2020; and (2) that the Case Management Conference should be continued to March 5, 2020 to coincide with the hearing on Plaintiff BNSF's Motion for Preliminary Injunction, and the parties' Case Management Statement including the Rule 26(f) report should be filed by February 27, 2020. In addition, the parties previously agreed to extend Defendants' deadline to respond to the Complaint to January 31, 2020 and then to February 14, 2020.

13 | Dated: January 30, 2020

Respectfully submitted,

14 || OLSON REMCHO, LLP

By: /s/ Margaret R. Prinzing

Attorney for Defendants County of Alameda, County of Contra Costa, County of Fresno, County of Kings, County of Merced, County of Plumas, County of Riverside, County of San Bernardino, County of San Joaquin, County of Stanislaus, and County of Tulare

20 | //

21 | //

22 | //

1 Dated: January 30, 2020

MUNGER, TOLLES & OLSON LLP

2 By: /s/ Jessica Reich Baril

3 JESSICA REICH BARIL

4 (State Bar No. 302135)

5 350 South Grand Avenue, Fiftieth Floor

6 Los Angeles, California 90071

7 Telephone: (213) 683-9100

8 Facsimile: (213) 683-5164

9 Email: jessica.baril@mto.com

10 BENJAMIN J. HORWICH

11 (State Bar No. 249090)

12 560 Mission Street, Twenty-Seventh Floor

13 San Francisco, California 94105

14 Telephone: (415) 512-4000

15 Facsimile: (415) 512-4077

16 Email: ben.horwich@mto.com

17 Attorneys for Plaintiff BNSF Railway Company

18 Dated:: January 30, 2020

MARGO A. RAISON

19 By: /s/ Jerri S. Bradley

20 Jerri S. Bradley

21 (State Bar No. 180341)

22 Deputy County Counsel, County of Kern

23 1115 Truxtun Avenue, 4th Floor

24 Bakersfield, CA 93301

25 Telephone: (661) 868-3819

26 Facsimile: (661) 868-3809

27 Email: jbradley@kerncounty.com

28 Attorneys for Defendant County of Kern

21 Dated: January 30, 2020

COUNTY COUNSEL, COUNTY OF MADERA

22 By: /s/ Michael R. Linden

23 Michael R. Linden

24 (State Bar No. 192485)

25 Deputy County Counsel, County of Madera

26 7404 N Spalding Ave.

27 Fresno, CA 93720

28 Telephone: (559) 431-5600

Attorneys for Defendant County of Madera

Email: mlinden@lozanosmith.com

1 Dated: January 30, 2020

COUNTY COUNSEL, ORANGE COUNTY

2 By: /s/ Steven C. Miller

3 Steven C. Miller

4 (State Bar No. 112951)

5 Senior Deputy County Counsel

County of Orange

6 333 West Santa Ana Blvd., 4th Floor

Santa Ana, CA 92701

7 Telephone: (714) 834-3304

Email: steven.miller@coco.ocgov.com

8 Attorneys for Defendant County of Orange

9
10 Dated: January 30, 2020

COUNTY COUNSEL, SAN DIEGO COUNTY

11 By: /s/ Laura E. Dolan

12 Laura E. Dolan

13 (State Bar No. 302859)

14 Senior Deputy County Counsel

Office of County Counsel, San Diego County

15 1600 Pacific Highway, Room 355

San Diego, CA 92101

Telephone: (619) 531-5801

Email: Laura.Dolan@sdcounty.ca.gov

16 Attorneys for Defendant County of San Diego

17
18
19 Upon presentation of the parties' stipulation and good cause shown, IT IS SO ORDERED.

20
21
22 Dated: 1/31/2020

23
24
25
26
27
28 
HON. HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT COURT JUDGE